BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

This Decision shall become effective on

Case No. 2014-35

JAMES RUDOLPH GIBSON 5039 Verdun Ave Los Angeles, CA 90043 Operator License No. OPR 10886

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

It is so ORDERED	April 23,	2014				
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		FOR THE	STRUCTU	RATER	CONTI	ROP BOARD

DEPARTMENT OF CONSUMER AFFAIRS

KAMALA D. HARRIS						
Attorney General of California MARC D. GREENBAUM						
Supervising Deputy Attorney General GREGORY J. SALUTE						
Supervising Deputy Attorney General						
300 So. Spring Street, Suite 1702						
Telephone: (213) 897-2520						
BEFORE THE STRUCTURAL PEST CONTROL BOARD						
DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA						
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In the Matter of the Accusation Against:	Case No. 2014-35					
JAMES RUDOLPH GIBSON	STIPULATED SETTLEMENT AND					
Los Angeles, CA 90043	DISCIPLINARY ORDER					
-						
Respondent.						
IT IS HEREBY STIPULATED AND AGI	REED by and between the parties to the above-					
entitled proceedings that the following matters are true:						
<u>PARTIES</u>						
1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural						
Pest Control Board. She brought this action solely in her official capacity and is represented in						
this matter by Kamala D. Harris, Attorney General of the State of California, by Gregory J.						
Salute, Supervising Deputy Attorney General.						
Salute, Supervising Deputy Attorney General.	("Respondent") is representing himself in this					
Salute, Supervising Deputy Attorney General.						
Salute, Supervising Deputy Attorney General. 2. Respondent James Rudolph Gibson						
Salute, Supervising Deputy Attorney General. 2. Respondent James Rudolph Gibson						
	MARC D. GREENBAUM Supervising Deputy Attorney General GREGORY J. SALUTE Supervising Deputy Attorney General State Bar No. 164015 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2520 Facsimile: (213) 897-2804 Attorneys for Complainant BEFO STRUCTURAL PES' DEPARTMENT OF C STATE OF C In the Matter of the Accusation Against: JAMES RUDOLPH GIBSON 5039 Verdun Ave Los Angeles, CA 90043 Operator License No. OPR 10886 Respondent. IT IS HEREBY STIPULATED AND AGE entitled proceedings that the following matters at PAI 1. Susan Saylor ("Complainant") is the					

3. On or about April 30, 2004, the Structural Pest Control Board issued Operator License No. OPR 10886 to James Rudolph Gibson (Respondent). The Operator License was in full effect at all times mentioned herein and will expire on June 30, 2015, unless renewed.

JURISDICTION

- 4. Accusation No. 2014-35 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 27, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 2014-35 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2014-35. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2014-35.
- 10. Respondent agrees that his Operator License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

11. Respondent James Rudolph Gibson has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

- 12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator License No. OPR 10886 issued to Respondent James Rudolph Gibson (Respondent) is revoked. IT IS HEREBY FURTHER ORDERED that collection of the Board's costs of investigation and prosecution in the amount of \$927.50 is hereby waived unless and until Respondent reapplies for any type of license issued by the Board at which time said costs shall become due and payable.

<u>ACCEPTANCE</u>

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Operator License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 2/0/14 James RUDOLPH GIBSON Respondent

<u>ENDORSEMENT</u>

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board.

Dated: 2-12-2014 Respectfully submitted,

Kamala D. Harris Attorney General of California Marc D. Greenbaum

upervising Deputy Attorney General

GREGORY (I. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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